

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Criminal Case No. 1:18-CR-457 (AJT)
	:	
BIJAN RAFIEKIAN, et al.	:	

DEFENDANT RAFIEKIAN’S PROPOSED VOIR DIRE

Mr. Rafiekian hereby submits his suggested *voir dire*:

1. Have you, any member of your immediate family, or any close friend, ever worked for, or with, a local, state, or federal government agency or government-funded entity? If yes, please identify the person who worked there, the agency or entity for which he/she worked, the position he/she held, and the time period for which he/she worked there.
 - a. Is there anything about working with a government agency that might cause you to lean in favor of one side or the other in this case?
2. During this trial, you may learn that a witness or Mr. Rafiekian is a member of a particular political party, such as Republican or Democrat. If you were to learn that a witness or Mr. Rafiekian is a member of the Republican party, would that fact affect your ability to be fair and impartial in this case?
 - a. If you were to learn that a witness or Mr. Rafiekian is a member of the Democratic party, would that fact affect your ability to be fair and impartial in this case?
3. Some of the witnesses in this case are former employees of or have relationships with the Trump administration. Would the fact that an individual has ties to the Trump administration affect your ability to assess the credibility of that witness or your ability to be an impartial juror?
4. Have you read or heard anything about this case or the defendant, Bijan Rafiekian—who was previously Michael Flynn’s (President Trump’s former national security advisor) business partner—in any newspaper or magazine, on or through the Internet, on television or radio, from word of mouth conversation, or any other source of information? If yes, please identify yourself for additional discussion at the bench.
5. You are going to hear that the defendant was the business partner of Michael Flynn. There have been a lot of reports surrounding Mr. Flynn’s conduct including a substantial number of allegations leading up to and throughout the 2016 presidential election and transition, which ultimately culminated in a plea agreement in December 2017. You will hear that this conduct occurred during the same time frame for which Mr. Flynn accepted

responsibility in the context of his plea agreement. Would the defendant's affiliation with Mr. Flynn taint your view of Mr. Rafiekian or make it difficult for you to remain impartial?

6. Do you believe as true, or presumptively true, facts or information contained in an article or book simply because it was published by a reputable reporter, journalist, newspaper, publisher, or other news media organization?
7. You may hear testimony in this case concerning the use of informants or cooperating witnesses by federal authorities in their investigation. Do you have any feelings about the United States using such informants or cooperating witnesses?
8. You may hear testimony in this case from attorneys who may testify about their discussions with individuals in this matter including the defendant. Do you have opinions one way or the other about attorneys that would cause you to give greater or lesser value to their testimony?
9. The United States is represented by James Gillis, John Gibbs, and Evan Turgeon. Mr. Gillis and Mr. Gibbs are Assistant United States Attorneys. The United States Attorney for the Eastern District of Virginia is G. Zachary Terwilliger. Mr. Turgeon is a Special Assistant U.S. Attorney. Do you know any of the government counsel, or the United States Attorney, or any of the employees in his office on any basis—social, professional, or otherwise?
10. Mr. Rafiekian is represented by Mark MacDougall, Stacey Mitchell, Jack Murphy, Adam Bereston, and Samantha Block from the law firm Akin Gump Strauss Hauer & Feld, and Robert Trout from the law firm Trout Cacheris & Solomon. Do you know any of the defendants' attorneys or any employees of their law firms on any basis—social, professional, or otherwise?
11. The following people may be called as witnesses or discussed in the testimony during this case:
 - Hasan Alsancak (ProSecure)
 - Robert Amsterdam (Amsterdam & Partners)
 - Stephen Anthony (Covington & Burling)
 - Graham Miller (Sphere Consulting)
 - Michael Boston (Eximis)
 - William Burck (Quinn Emanuel Urquhart & Sullivan)
 - James Courtovich (Sphere Consulting)
 - Michael Flynn (*former Flynn Intel Group*)

- Michael Flynn, Jr. (*former Flynn Intel Group*)
- Heather Hunt (Department of Justice)
- Robert Kelley (Jefferson-Waterman International)
- Robert Kelner (Covington & Burling LLP)
- David Laufman (Wiggin and Dana, *former Department of Justice*)
- Greg Lowman (Sphere Consulting)
- Brian McCauley (*former FBI*)
- Nancye Miller (Opportunities Development Group)
- Thomas Neer (Operational Behavior Services, *former FBI*)
- Tim Newberry (White Canvas Group)
- Carl Pilgram (Africa Center for Strategic Studies, *former Flynn Intel Group*)
- Brian Smith (Covington & Burling)
- Thomas Spencer (*former Flynn Intel Group*)
- Kristen Verderame (Pondera International)

12. Do you know or are you related to or acquainted with any of the individuals or entities?
 - a. Have you seen, read, or heard anything about any of these individuals or entities?
This includes not only through the media, but also anything you may have heard from friends, co-workers, family, or other individuals.
13. You will learn that Mr. Rafiekian is from Iran and became a U.S. citizen after marrying his wife—a U.S. citizen. Do you have any positive or negative feelings about someone becoming a U.S. citizen through marriage?
 - a. Do you have strong feelings pertaining to issues concerning immigration?
14. Do you have any associations with or opinions about people who are of Iranian descent?
 - a. Do you, any member of you or immediate family, or any close friend have any connection to Iran? If yes, would anything about that connection to Iran cause you to form an opinion about the defendant's guilt or innocence?

15. The indictment charges that Mr. Rafiekian was acting on behalf of Turkey and failed to properly register as a foreign agent. Is there anything about the nature of those charges that would make it difficult to be a fair and an impartial juror in this case?
16. Do you have any opinion, favorable or unfavorable, about the government of Turkey, the Muslim Brotherhood, or President Erdoğan?
 - a. Do you, any member of your immediate family, or any close friend have any connection to Turkey? If yes, would anything about that connection to Turkey make it difficult to be fair and impartial?
17. Do you have any strong feelings about Muslims or the Islamic faith?
18. Are you familiar with Fethullah Gülen? If yes, please explain.
19. Do you have any strong beliefs or opinions about the criminal justice system? If yes, please explain. Will your opinion make it difficult for you to serve as a completely fair and impartial juror in this case?
20. Do you have any negative opinions about criminal defense attorneys or defendants in criminal cases, in general? If yes, would this affect your ability to serve a completely fair and impartial juror in this case?
21. Do the prosecutors and the defense attorney start out on equal footing in your view?
22. Do the defendants and the government start out on equal footing in your view?
23. Would you suspect or assume that any testimony by a defendant is untruthful simply because that person testifying is being charged with a crime by the United States government?
 - a. Would you assume that a defendant is hiding something or probably guilty of some wrongdoing if he chooses not to testify in his own defense?
24. Do you have any ethical, cultural, religious, political, or other beliefs that may prevent you from serving as a juror in this case that you have not already told us about?
25. Now that you know a little about the case about to be tried, is there anything else that you think the Court should know about you that you believe could affect in any way your ability to fairly and impartially judge the evidence presented in this case, and apply the law as instructed by the Court?
26. If there are any matters that you would rather discuss privately that may affect your ability to be a fair and impartial juror, please let the Court know.

Respectfully submitted,

/s/

Mark J. MacDougall (*Pro Hac Vice*)

Stacey H. Mitchell (*Pro Hac Vice*)

John C. Murphy (*Pro Hac Vice*)

Adam A. Bereston (*Pro Hac Vice*)

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/s/

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CERTIFICATE OF SERVICE

I hereby certify that, on the 8th day of July 2019, true and genuine copies of Defendant Bijan Rafiekian's Proposed *Voir Dire* were sent via electronic mail by the Court's CM/ECF system to the following:

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/s/
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